

REMARKS

Claims 1-24 are pending. By this Response, claims 21-24 are added. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 1, 3-5, 6, 8, 10, 11, 13, 15, 16, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by Loui, et al. (US 6,636,648); and claims 2, 7, 9, 12, 14, 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Loui in view of Kino (US 6,832,101). These rejections are respectfully traversed.

Loui teaches a method for creating albums from selected captured images and automatically preparing a page layout for selected pictures. In Loui images imported into the albing system are reviewed for metadata information associated with the image. The metadata information is stored with the image and extracted by the system and placed in the database. The metadata information includes any type of data relevant to the image including size, orientation, date and time the picture was taken, GPS information and subject depth information. If information is missing, a user can annotate the images imported in the system with this information.

In Loui, to begin an album, the user must select the pictures to be included in the album. See column 11, lines 7-8. The images are then segmented into event and sub-event based on date and time of the picture captured and similarity of contact between pictures. Other information associated with the images may also be used to segment the images. After segmenting the pictures, the image quality is measured against a threshold and those pictures

classified as very low quality are removed. See column 11, lines 16-17. Duplicates are then identified and a user can select to keep or remove the duplicates. The selected pictures are then sent to a layout stage that places the pictures on the page based on event boundaries and metadata information. See columns 7-8 and 11.

In Loui, a user selects the pictures used in the album. The additional information obtained from the metadata is used to determine duplicates, image quality and placement on the layout page.

In contrast, in embodiments of the present invention, a user does not have to select images to use in an album. Images are first classified in two categories based on calculated data. In embodiments of the present invention, the calculated data may be distance data and is obtained by calculating the distance between the location of the photograph taken and a predetermined reference position. In embodiments of the invention, the location of the photograph taken is retrieved from additional information that is associated with the image. The predetermined reference value is previously defined and may be any location and is part of prestored user data. A threshold value is then measured against the calculated distance to determine whether the calculated distance is above or below the threshold value. This data is then used to classify the image and generate an album for this image and other images similarly classified.

Loui's system does not calculate a distance between a photographing location and a predetermined reference point. Loui's system may use GPS information to aid in the layout of the image on a page, but calculating a distance from the reference is not performed. Further, a predetermined reference position is not taught by Loui. Finally, Loui does not generate an album

based on determined classification information associated with distance. In *Loui*, the album images are selected by a user. Thus, classification of the images for an album is unnecessary. The images are only arranged into groups for page layout purposes after selection of the images by a user for the album.

Thus, *Loui* fails to teach, *inter alia*, calculating a distance between the photographing location of the image data set in a predetermined reference position, based on the location data; judging whether the distance is over a predetermined threshold value; classifying the image data set according to the result of judgment; and generating the album data according to the results of classification, as recited in independent claims 1, 6, 11 and 16.

Further, *Kino* fails to make up for the deficiencies of *Loui*. Therefore, in view of the above, applicants respectfully submit that *Loui* fails to teach each and every feature of independent claims 1, 6, 11 and 16, as required. Dependent claims 2-5, 8-10, 12-15 and 17-20 are also distinguishable for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Also, regarding dependent claims 21-24, *Loui*'s system does not store a predetermined reference point as part of user data. *Loui*'s system allows a user to associate data for an image. However, this must be done for each individual image. Registered user data that provides information to all images based on a specific user, is not taught.

For at least these reasons, it is respectfully submitted that that claims 1-20 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1020.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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